

TIMOTHY CALDWELL,)	
)	
Movant,)	
)	
v.)	No. 4:12CV2249 JCH
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

This matter is before the Court on movant’s “alternative petition for 28 U.S.C. § 2241; alternative petition for writ of coram nobis; and alternative petition for writ of audita querela.” Movant originally filed this action under 28 U.S.C. § 2255. The Court reviewed the motion and found it to be a second or successive motion under §§ 2244 & 2255. Movant had not obtained permission from the United States Court of Appeals for the Eighth Circuit to file a successive motion. And as a result, the Court dismissed the action.

After he filed his appeal, movant filed a motion to reduce sentence under 18 U.S.C. § 3582(c). The Court summarily dismissed the motion.

The instant petition is nothing more but another attempt to circumvent the AEDPA's limitation on successive postconviction-relief motions. Consequently, it will be summarily denied. The Court will not entertain any further motions or petitions in this action while movant's appeal is pending before the Eighth Circuit.

Accordingly,

IT IS HEREBY ORDERED that movant's "alternative petition for 28 U.S.C. § 2241; alternative petition for writ of coram nobis; and alternative petition for writ of audita querela" [ECF No. 12] is **DENIED** with prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 20th day of May, 2013.

/s/Jean C. Hamilton

JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE